

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 - - - - -

4 GRACE LAWRENCE :
5 Plaintiff, :
6 vs. :
7 TRANS UNION, LLC :
8 CITY OF PHILADELPHIA :
9 Defendant. : C.A. NO:02-CV-4440

10 - - - - -

11 - - -
12 Friday, October 24, 2003
13 - - -

13 Oral deposition of NANCY CERBUS
14 taken pursuant to notice, held at FRANCIS
15 & MAILMAN, P.C., Land Title Building, 19th
16 Floor, 100 South Broad Street, Suite 1902,
17 Philadelphia, Pennsylvania, commencing at
18 10:46 a.m., before Nicolle J. D'Amico,
19 Court Reporter - Notary Public there being
20 present:

21 - - -

22 KAPLAN, LEAMAN AND WOLFE
23 Registered Professional Reporters
24 The Bourse, Suite 970
 111 South Independence Mall East
 Philadelphia, Pennsylvania 19106
 (215) 922-7112

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(215) 922-7112

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1 by e-mail.

2 Q. Okay. How often did you receive
3 it back in 1996 by mail?

4 A. Monthly.

5 Q. So it was a monthly electronic
6 tape with judgments that you put on your
7 database?

8 A. Yes.

9 Q. Was that the same database as the
10 Paradox database that you testified about
11 earlier?

12 A. No.

13 Q. What database was that?

14 A. This is our Superior database.

15 Q. Does that still exist?

16 A. Yes.

17 Q. Do you still place judgment
18 information that you receive from the City
19 of Philadelphia on that Superior database?

20 A. Yes.

21 Q. Now you receive it by e-mail?

22 A. Yes.

23 Q. Are you able to conduct the
24 searches on the database?

1 A. Yes.

2 Q. Did you conduct a search for the
3 original information in 1996?

4 A. Yes.

5 Q. Did you find it?

6 A. Yes.

7 Q. You did find it?

8 A. Yes.

9 Q. Did you turn it over to
10 Mr. Luckman?

11 A. Yes.

12 Q. You did turn it over to
13 Mr. Luckman. When was that?

14 A. Well, this is a search though.

15 Q. A search is a computer search?

16 A. Yes.

17 Q. So it's a result of an inquiry
18 into your computer?

19 A. Yes.

20 Q. Could you print out the screen
21 with the results?

22 A. Yes.

23 Q. Did you print out the screen?

24 A. Yes.

1 A. Yes.

2 Q. This was, you believe, one of the
3 pages?

4 A. Yes.

5 Q. Could you interpret the judgment
6 information on this page based on your
7 experience as an employee of Superior?

8 A. I would say that from this
9 information that you would see the
10 plaintiff information, the defendant
11 information and that there was a counter
12 claim filed.

13 Q. Do you know who the defendant was
14 in this case?

15 A. Based on this information?

16 Q. Based on the document in front of
17 you, yes.

18 A. I would say that Grace Lawrence
19 was the defendant.

20 Q. And her information is on the top
21 right of this form?

22 A. Yes.

23 Q. And was a Thomas, it says here,
24 Froneer or Frommer. He was the plaintiff?

1 A. Yes.

2 Q. Directing your attention to the
3 third entry or the third line of data
4 under court activity.

5 A. Yes.

6 Q. Do you see that there are two
7 bits of information underlined on the
8 document that I'm showing you?

9 A. I do, yes.

10 Q. You see that says judge for DF,
11 D-F?

12 A. Yes.

13 Q. 2951?

14 A. Yes.

15 Q. Do you interpret that to be a
16 judgment for the defendant?

17 A. Yes.

18 Q. Next to it, the other item
19 underlined is judgment for DF/CNT. What
20 do you interpret that to mean?

21 A. Judgment for defendant/counter.

22 Q. On her counter claim?

23 MR. LUCKMAN: Objection.

24 BY MR. SOUMILAS:

1 Q. Do you interpret that to mean
2 that it's a judgment on the defense
3 counter claim?

4 A. Yes; however, the Hearing No. 2
5 which was on 7/31/96, there's a Hearing
6 No. 1 on 7/31/96 that also says that it
7 was withdrawn without prejudice.

8 Q. I'm sorry, could you show me
9 where you're looking at on the form?

10 A. We're looking at Hearing No. 2.

11 Q. Yes.

12 A. Right above it it says, Hearing
13 No. 1. The disposition is withdrawn
14 without prejudice.

15 Q. Okay.

16 A. So I would interpret this as
17 meaning that on this date, 7/31/96
18 something is unique about this case
19 because it doesn't make sense, because it
20 says that the case has been withdrawn and
21 then also it says that there is a judgment
22 for defendant.

23 Q. I understand that. Based on the
24 training that you give to employees and

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1 independent contractors, how would this
2 type of information from the Philadelphia
3 Municipal Court be coded as a judgment?

4 MR. LUCKMAN: Object to the
5 form.

6 BY MR. SOUMILAS:

7 Q. Do you understand the question,
8 ma'am?

9 A. I do hear your question. Now,
10 what you'll need to remember is that when
11 Nicholas goes to the court, he pulls the
12 original copies, so he's not looking at
13 this. This is what the people at the
14 court -- they're terminal looks like.

15 Q. Okay.

16 A. So he wouldn't be looking at this
17 sheet anyway.

18 Q. I understand that. So to answer
19 my question, your employees typically
20 would not be entering data into your
21 system based on this sheet?

22 A. No.

23 Q. They would be looking at the
24 court certified records to enter the data?

1 A. Yes.

2 Q. Have you seen the court certified
3 records in this case?

4 A. Yes.

5 Q. And this is what Nick Palmer sent
6 to you in July of 2003?

7 A. Yes.

8 Q. And to your knowledge -- I'm
9 sorry, I think you've testified you still
10 don't know what those records -- you don't
11 recall, sitting here today, what those
12 records say?

13 A. That's correct.

14 Q. And would you interpret this
15 particular record to say that there is a
16 judgment against Ms. Lawrence?

17 MR. LUCKMAN: Objection.

18 THE WITNESS: I don't
19 think you can interpret that.

20 BY MR. SOUMILAS:

21 Q. But you said you were concerned
22 that it says withdrawn without prejudice,
23 correct?

24 A. Right.

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1 Q. And you also saw that it's a
2 judgment for the defendant?

3 A. That's correct.

4 Q. So would you agree with me that
5 you cannot reasonably interpret this
6 record to be a judgment against
7 Ms. Lawrence?

8 MR. LUCKMAN: Objection to
9 the form.

10 BY MR. SOUMILAS:

11 Q. I think you testified to that
12 earlier, but if I'm mistaken, let me know.

13 A. Sorry, what is your question?

14 Q. Could you reasonably interpret
15 this -- I understand your concern about
16 its ambiguity, but regardless of how you
17 interpret the ambiguity, could it possibly
18 under any reasonable reading be a judgment
19 against Ms. Lawrence?

20 MR. LUCKMAN: Object to the
21 form.

22 BY MR. SOUMILAS:

23 Q. You can answer the question.

24 A. Could it be a judgment against

1 Grace Lawrence?

2 Q. This document in front of you,
3 yes.

4 A. Sure, it could be.

5 Q. It could be. Could you explain
6 to me how you would interpret this
7 document to mean that it's a judgment
8 against Ms. Lawrence?

9 A. Because she's listed as a
10 defendant and there is a dollar amount.

11 Q. Would you agree with me though
12 that under Hearing 2 it says judgment for
13 the defendant? You've already testified
14 about that.

15 A. Right.

16 Q. And it also says next to that,
17 judgment for defendant on what you've
18 interpreted to be the counter claim and
19 it's abbreviated CNT?

20 A. Right.

21 Q. If it's a judgment for the
22 defendant on the counter claim, how could
23 it be against her?

24 MR. LUCKMAN: Objection.

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1 THE WITNESS: Because she's
2 listed as the defendant still.

3 BY MR. SOUMILAS:

4 Q. So because she's listed as the
5 defendant, you believe that the judgment
6 could be against her?

7 A. No.:

8 Q. Could you explain to me why you
9 believe the judgement could be against
10 her?

11 MR. LUCKMAN: Could you
12 explain again?

13 MR. SOUMILAS: Yes, because
14 I apparently haven't understood it yet.

15 THE WITNESS: You asked
16 me -- why don't you ask me again.

17 BY MR. SOUMILAS:

18 Q. My question is, looking at this
19 document, would you agree with me that you
20 cannot reasonably conclude that this is a
21 judgment against Ms. Lawrence?

22 MR. LUCKMAN: Object to the
23 form.

24 THE WITNESS: If I look at

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1 this document, I would, and our employees
2 or contractors would probably state that
3 there's something odd about this case.

4 You cannot determine who the judgment is
5 against or if the case is open or if it's
6 been dismissed or withdrawn.

7 BY MR. SOUMILAS:

8 Q. Why is there something odd about
9 the case?

10 A. Because one, there's a counter
11 claim filed. Two, there's a Hearing 1, a
12 Hearing 2 and then there's also an appeal.

13 Q. So you're saying that there's
14 something unusual or odd, to use your
15 word, about this case because there was a
16 counter claim, number one, and number two,
17 it's the procedural history that you just
18 summarized, a first hearing, a second
19 hearing and then an appeal?

20 A. Yes.

21 Q. So those things make it unusual?

22 A. Yes. And there's something else,
23 Hearing No. 3, which I wouldn't even know
24 what unusual something see transcription

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1 or whatever.

2 Q. Okay. Is there anything else
3 that in your opinion makes this case as
4 it's summarized in this Municipal Court
5 docket unusual or odd?

6 MR. LUCKMAN: Object to the
7 form.

8 THE WITNESS: I'm sorry,
9 what was your question?

10 BY MR. SOUMILAS:

11 Q. You've explained to me a couple
12 of reasons why you think the disposition
13 of this case is odd. I'm wondering
14 whether there are any other reasons as you
15 look at this document that would lead you
16 to that conclusion that it's an odd or
17 unusual case?

18 A. I would say yes, because it says
19 that on the top that it's disposed and it
20 doesn't really say anything where it was
21 disposed or -- it's just very odd.

22 Q. I'm sorry, where are you looking
23 at?

24 MR. LUCKMAN: The top line.

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1 THE WITNESS: The top line.

2 It says disposed.

3 BY MR. SOUMILAS:

4 Q. It says, The case has been

5 disposed?

6 A. Right.

7 Q. Okay.
8 A. And then if you look at the
9 docket entries or the court activities as
10 it's listed, it doesn't really look like
11 it's closed other than the appeal that was
12 filed.

13 Q. Okay. Any other reason?

14 A. Probably not.

15 Q. Now, I understand all of the
16 reasons why you told me why you think the
17 case is unusual or odd. My question
18 nevertheless is, given all of those
19 reasons, do you think it's reasonable for
20 someone to conclude that this is a
21 judgment against Ms. Lawrence?

22 MR. LUCKMAN: Object to the

23 form.

24 THE WITNESS: I don't know